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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/694,105

10/27/2003

Jimmy H. Bryan

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3081

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EXAMINER

SHALLENBERGER, JULIE A

ART UNIT

PAPER NUMBER

2885

MAIL DATE

DELIVERY MODE

11/27/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/694,105

Applicant(s)

BRYAN, JIMMY H.

Examiner

Julie A. Shallenberger

Art Unit

2885

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on amendments of 9/17/07.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-18 and 22-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-18 and 22-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Objections*

Claim 31 is objected to because "substantially permanently" is grammatically improper claim language.

The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claim 33 been renumbered 32.

Claim 32 line 37 is objected to because it reads "poisoned" and should read -  
-positioned--.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-4, 6, 7, 9, 10, 13-15, 18, 22-29, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seemann (5,001,462) in view of Gaukel (6,100,806).

It is noted that the microphone, display, GPS feature, and vibrator are only entitled to the filing date of the present application, 10/27/03, because that is when these features were first introduced.

Seeman teaches a receptacle system 42 (purse -cl. 25) which camouflages an interior illumination means 22, a liner 12 disposed within and cooperating with the receptacle to form a concealed cavity containing an alarm device, wherein the cavity is located between the liner and the receptacle (cl. 29), the receptacle provides a closure means and an access to a liner cavity whereby the alarm switch 28 is disposed on the receptacle (via straps) and is operable by the user without accessing the liner cavity (cl. 28), but lacks the teaching of an interfacing device.

Gaukel teaches a receptacle system for powering an electronic device comprising a receptacle 30 having an interior compartment, interfacing means for interfacing electronic device 34 (telephone which can be used for contacting emergency assistance cl. 15), processing means 36 with audible alert that can be detected over a telecommunication device (cl. 9 – col. 8 lines 56-59), powering means 38 (cl. 2 - rechargeable battery) supplying electronic device, power supply jacks 37a and 37b via cable 39 and conventional battery charging apparatus (cls. 3, 4, & 18 – see col. 15 lines 59-61), audio and visual alarm means (cls. 6 & 7 - col. 15 lines 52-53), microphone 23 (cl. 10) for voice activation (col. 14 line 19) and sound detection (cl. 10), antenna 35 (cl. 13), GPS 32 (cl. 14) for determining the location of the receptacle, an illuminating means 82, a band 20 for remote activation of the device, wherein the processing means and the powering means are integrated into the structure of a receptacle 30 (cl. 31).

In regard to claim 22, Gaukel teaches a circuit (see figures 1 and 7) which includes various alarm circuits (for example 21, 22, 23, 24), telecommunications circuitry 34 and 70 which is in electrical communication with the alarm circuitry and capable of providing an alarm signal to the telecommunication circuitry upon operation of the alarm which is in communication with a control station, and a telephone company.

In regard to claims 23, 24, 26, 27 Gaukel teaches positioning circuitry 32 (GPS – cl. 24) in electrical communication with the telecommunications circuitry (phone 34) and various alarm triggering signals (motion, audio –cls. 26 & 27, temperature, and continuity) for communicating with emergency assistance (col. 11 line 44 – col. 13 line 25).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add the electronic equipment taught by Gaukel to the receptacle taught by Seeman in order to have more convenient access to various equipment such has a GPS or computer or to make these devices more easily portable.

In regard to claim 31, Guakel teaches a battery 38 substantially integrated into a wall of the receptacle 30 and a processing means 36 substantially integrated into the floor.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to integrate the processing means into the wall in order to create more space for other items in the central bottom portion of the bag.

Claims 8, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seemann and Gaukel as applied to claim 1 above, and further in view of Miyashita.

Seemann and Gaukel teach the invention described above, but lack the teaching of a silent vibrating alarm connected to the electronic device for operation when a call is received and vibrating device as is commonly done so as to not disturb others.

Miyashita teaches a vibration means (cls. 16 and 17) which is a silent alarm (cl. 8) for alerting when incoming calls are received on an electronic device.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the vibrating means taught by Miyashita to silently alert when an incoming call is received on the electronic device in order to not disturb others in proximity of the device when the alert is triggered.

It is noted that the electronic device taught by Gaukel is located adjacent to the carrying strap 31 (cl. 17 - see figure 3).

Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seemann and Gaukel, and further in view of Leibowitz (6,132,059).

Seemann and Gaukel teach the invention described above, but lack the teaching of a display screen mounted on the exterior of the receptacle.

Leibowitz teaches a display screen 30 (cl. 11) on the exterior of a receptacle 10 (cl. 12).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add the display device taught by Leibowitz to Gaukel's

receptacle in order to display the GPS or other visually pleasing images that appeal to the user's aesthetic taste.

Claims 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Seemann, Gaukel, and Miyashita and further in view of Leibowitz.

Seemann and Gaukel teach the invention described above, but lack the teachings of a vibration means for alerting when incoming calls are received on an electronic device and a display screen mounted on the exterior of the receptacle.

Miyashita teaches a vibration means for alerting when incoming calls are received on an electronic device.

Leibowitz teaches a display screen 30 on the exterior of a receptacle 10.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the vibrating means taught by Miyashita to silently alert when an incoming call is received on the electronic device in order to not disturb others in proximity of the device when the alert is triggered and to add the display device taught by Leibowitz to the receptacle in order to display the GPS or other visually pleasing images that appeal to the users aesthetic taste.

Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Seemann in view of Gaukel and further in view of Pottratz (3,808,416).

Seeman and Gaukel teach the invention described above, but lack the teaching of a liner panel defining a partial lining of the interior compartment of the receptacle

wherein the processing means and the powering means are positioned in the interior compartment of the receptacle between the liner panel and the receptacle.

Pottratz teaches a liner panel 20 defining a partial lining of the interior compartment of a receptacle 2 wherein a powering means is positioned in the interior compartment of the receptacle between the liner panel and the receptacle.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to house the processing means and powering means taught by Seeman and Gaukel in a receptacle with a liner panel as taught by Pottratz in order to keep the processing and powering means separate from other items carried the receptacle in order protect the electronic equipment and provide a more weather resistant housing.

Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Seemann in view of Gaukel as applied to claim 1 and further in view of Miyashita, Leibowitz, and Chien (4,885,570).

Seemann and Gaukel teach the invention described above including Gaukel's teaching of an alarm means configured to be triggered from an exterior location on the receptacle (via band 20), but lack the teaching of a pair of illumination panels on opposite ends of the interior compartment, a silent vibrating alarm connected to the electronic device for operation when a call is received, vibrating device, a display screen mounted on the exterior of the receptacle, and an alarm means configured to be triggered by partial removal of the carrying strap from the receptacle.



Miyashita teaches a vibration means which is a silent alarm for alerting when incoming calls are received on an electronic device.

Leibowtiz teaches a display screen 30 on the exterior of a receptacle 10.

Chien teaches an alarm means configured to be triggered by partial removal of a carrying strap 17 from a receptacle 1 (via pulling-actuated switch 6).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the vibrating means taught by Miyashita to silently alert when an incoming call is received on the electronic device (so as not disturb others in proximity of the device when the alert is triggered), and it would have been obvious to add the display device taught by Leibowtiz to the receptacle in order to display the GPS or other visually pleasing images that appeal to the user's aesthetic taste, and it would have been obvious to use the switch taught by Chien in order to provide an alarming means for preventing theft of the purse.

In regard to the a pair of illumination panels on opposite ends of the interior compartment, Seemann teaches an illumination panel located on the interior compartment of the receptacle and it would have been obvious to one of ordinary skill in the art at the time the invention was made to add another illumination panel on the opposite side since it has been held that mere duplication of essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Furthermore, one would have been motivated to add another illumination panel in order to provide a back-up device or to provide more illumination for the interior of the receptacle.

### ***Response to Arguments***

Applicant's arguments filed 9/17/07 have been fully considered but they are not persuasive.

In regard to the argument that seem fails to disclose a liner, please refer to element number 12.

In regard to the argument that one of ordinary skill would not combine Gaukel with Seemann due to the difference in size, it is noted that the addition of the elements taught by Gaukel provide useful components of which one would be motivated to add for the purposes described above. The use of the elements taught by Gaukel does not negate the purpose of Seeman's invention, but merely provides an alternative with more features that would be desirable for functional purposes. The size of a device is relative and device is still capable of being worn by a user if so desired.

In regard to claim 22, please refer to figures 1 and 7 of Gaukel.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Granneman (5,067,063) and Burns (5,908,232) teach similar illuminated receptacles.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie A. Shallenberger whose telephone number is (571)272-7131. The examiner can normally be reached on Monday - Friday 830-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jong-Suk (James) Lee can be reached on 571-272-7044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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